

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION

ABEL MOLINA, *et al.*,

Plaintiffs,

v.

13-cv-1152-RTR

MELROSE EATERY, INC.
d/b/a MELROSE RESTAURANT, *et al.*,

Defendants.

PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

TO: Melrose Eatery, Inc.
d/b/a Melrose Restaurant,
Konstantinos Spyropoulos,
George Dertis, and
Sam Diamantopoulos,
c/o Paul R. Erickson and
Stacie H. Rosenzweig
Gutglass, Erickson, Bonville & Larson, S.C.
735 North Water Street
Suite 1400
Milwaukee, Wisconsin 53202

Please take notice that Plaintiffs bring this **Motion for Partial Summary Judgment** seeking judgment against the Defendants. Plaintiffs move for partial summary judgment pursuant to FED. R. CIV. P. 56 and Civil L. R. 7 and 56.2.

Discovery in this matter has identified undisputed facts that entitle Plaintiffs to judgment as a matter of law regarding Defendants' liability for violations of the Fair Labor Standards Act of 1938 ("FLSA") and Wisconsin wage and hour laws. It is undisputed that, Plaintiffs are or were covered employees of Defendants under both

the Fair Labor Standards Act and Wisconsin's wage laws, that Plaintiffs worked in excess of forty hours a week for Defendants, and that Plaintiffs were not paid overtime compensation for their work. There is no dispute that Defendants maintained no records of the pay received or hours worked by Plaintiffs prior to the filing of this lawsuit. Finally, the undisputed evidence establishes that Defendants did not act in good faith in failing to pay overtime to Plaintiffs.

This Motion is supported by Plaintiffs' Proposed Findings of Fact, Plaintiffs' Memorandum of Law in Support of Plaintiffs' Motion for Partial Summary Judgment, and the Declaration of Attorney Timothy P. Maynard.

Dated this 15th day of August, 2014.

Respectfully submitted,

HAWKS QUINDEL, S.C.
Attorneys for Plaintiffs

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